

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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QUICKIE, LLC,

Plaintiff,

07 Civ. 10331 (RMB) (DFE)

-against-

GREENBERG TRAURIG, LLP, THELEN  
REID BROWN RAYSMAN & STEINER LLP  
(f/k/a THELEN, REID & PRIEST LLP) and  
ROBERT E. KREBS,

**PLAINTIFF'S SUPPLEMENTAL  
RULE 26(a)(2) DESIGNATION AND  
DISCLOSURE**

Defendants.

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**ECF CASE**

Plaintiff Quickie, LLC ("Quickie") hereby supplements its designations and disclosures in the matter of *Quickie LLC v. Greenberg Traurig LLP* in accordance with Rule 26(a)(2) and (e) of the Federal Rules of Civil Procedure:

1. **Mark P. Berkman, Ph.D.** In addition to the opinions discussed in his previously submitted expert report, Mr. Berkman is expected to further testify by way of rebuttal to defendant's damages expert, Andrew Carter as discussed in his rebuttal report submitted contemporaneously herewith to defendant on August 26, 2008.

2. **David H. Judson** 15950 Dallas Parkway, Suite 225, Dallas, Texas, 75248. Mr. Judson is a registered patent attorney and the counsel of record for the patent at issue in the pending reexaminations before the Patent & Trademark Office. Mr. Judson's billing rate is \$350

per hour. He is designated here out of an abundance of caution insofar as his background, training and experience qualify him as an expert, and because his responsibilities give him more information than that possessed by the average juror or layperson so as to potentially characterize all or part of his testimony as expert or opinion testimony. He is expected to testify by way of rebuttal to defendant's submitted expert reports for Paul J. Sutton and George H. Gerstman as set forth in his rebuttal report submitted contemporaneously herewith to defendant on August 26, 2008.

3. **Robert Krebs** Quickie further supplements its prior designation and disclosure with respect to Robert Krebs, a registered patent attorney and partner in the San Jose, California, office of former defendant Thelen, Reid, Brown, Raysman & Steiner, L.L.P., to include the topics and opinions set forth in his contemporaneously filed declaration. Quickie supplements its prior designation and disclosure here out of an abundance of caution insofar as his background, training and experience qualify him as an expert, and because his responsibilities give him more information than that possessed by the average juror or layperson, so as to potentially characterize all or part of his testimony as expert or opinion testimony.

4. **Mark F. Evens** Quickie further supplements its prior designation and disclosure with respect to Mark Evens, a director of the Washington, D.C. based law firm Sterne Kessler Goldstein Fox, PLLC ("Stern Kessler") and former litigation partner of former defendant Thelen, Reid, Brown, Raysman & Steiner, L.L.P., to include the topics and opinions set forth in his contemporaneously filed declaration. Quickie supplements its prior designation and disclosure here out of an abundance of caution insofar as his background, training and experience qualify him as an expert, and because his responsibilities give him more information than that possessed

by the average juror or layperson, so as to potentially characterize all or part of his testimony as expert or opinion testimony.

Dated: New York, New York  
August 26, 2008

DIAMOND McCARTHY LLP

By: /s/ Stephen T. Loden  
Allan B. Diamond (*pro hac vice*)  
Walter J. "Skip" Scott (*pro hac vice*)  
Stephen T. Loden  
620 Eighth Avenue, 39<sup>th</sup> Floor  
New York, New York 10018  
*Attorneys for Plaintiff Quickie, LLC*

**Certificate of Service**

I, Stephen T. Loden, certify that a copy of the foregoing was served on all counsel of record, via email on this 26<sup>th</sup> day of August, 2008.

/s/ Stephen T. Loden  
Stephen T. Loden